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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,167	06/06/2001	Takeo Inoue	33240M013	4944
441	7590	12/09/2005	EXAMINER	
SMITH, GAMBRELL & RUSSELL, LLP			OPSASNICK, MICHAEL N	
1850 M STREET, N.W., SUITE 800				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
			2655	

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/806,167	INOUE, TAKEO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael N. Opsasnick	2655	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 September 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 4-8 is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 4-8 are allowable over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

As per independent claims 4-8, the claim language pertaining to a different calculation for a short and a long pitch period expectation, in addition to omitting the pitch processing of the subsequent waveforms, is not explicitly taught by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yeldener et al (5774837).

As per claim 1, Yeldener et al (5774837) teaches:

“in a voice signal pitch period.....time period” as voice detecting, and pitch period processing (col. 11 lines 1-14);  
“reducing.....pitch period” as smoothing the pitch (col. 13 lines 37-46), which averages over errant pitch determinations (col. 13 lines 37-43), which in affect removes, or reduces the number of pitch representations.

As per claim 2, Yeldener et al (5774837) teaches:

“in a voice signal pitch period.....time period” as voice detecting, and pitch period processing (col. 11 lines 1-14);  
“judging.....predetermined time period” as using the ration of possible peak amplitudes versus a frequency response of a comb filter (col. 11 line 45 – col. 12 line 20)  
“the number of times.....detected pitch period” as considering hk harmonics of the main frequency amplitude (col. 12 lines 18-250 and checking for sub-multiples (col. 12 line 55 – col. 13 line 20).

As per claim 3, Yeldener et al (5774837) teaches:

“first means....predetermined time period” as voice detecting, and pitch period processing (col. 11 lines 1-14);

“second means....reference value; third means.....pitch periods detected” as using the ration of possible peak amplitudes versus a frequency response of a comb filter (col. 11 line 45 – col. 12 line 20);

“fourth means....detected pitch period” as considering hk harmonics of the main frequency amplitude (col. 12 lines 18-250 and checking for sub-multiples (col. 12 line 55 – col. 13 line 20);

“and omitting.....periods detecting” as omitting the rest of the checking steps if the ratio is less than the adjustable threshold (col. 13 lines 1-13).

#### *Response to Arguments*

5. Applicant's arguments filed 9/22/05 have been fully considered but they are not persuasive. As per the arguments on pages 2-3 of the response with respect to Yeldener not teaching a predefined threshold, examiner argues that Yeldener shows predetermined and updated threshold values (col. 11 line 45 – col. 12 line 20), as well as reduction of the number of pitch representations (thereby reducing processing) via averaging (col. 13 lines 37-43).

#### *Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Wayne Young, can be reached at (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
12/7/05

W. R. YOUNG  
PRIMARY EXAMINER